

Remarks/Arguments:

Claim Status:

Claims 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claim 32 is allowed. Applicants appreciate Examiner's recognition of allowable subject matter. Applicants have incorporated the features of objected claim 16 into independent claim 13; thus, claim 13 should be allowable.

Claim Rejection Under 35 U.S.C. § 102(b):

- Claims 1-3 and 6-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Swenson et al. (U.S. Patent No. 5,575,446). Applicants respectfully traverse the rejection of these claims and respectfully submit that these claims are patentable over Swenson et al. for the reasons set forth below.

Independent claim 1, as amended, recites at least two limitations that are neither disclosed nor suggested by Swenson et al., namely:

- (1) "a mounting portion coupled to an end portion of said shaft and configured for mounting said apparatus for movement with respect to the medical device ***between a retracted position and a deployed position***"; and
- (2) "mounting portion defines at least one ***circumferential recess*** to facilitate the movement of said apparatus with respect to the medical device."

No new matter has been added.

Referring to limitation (1), as best shown in instant Figures 2 and 3A, Applicants' mounting portion 14 according to one embodiment is adapted to rotate with respect to the medical device about its axis "B" to move the hanger 10 between a retracted position and a deployed position. Swenson's clamping device neither has a retracted position nor a deployed position. Moreover, Swenson does not disclose a mounting portion configured for mounting the clamping device for movement between a retracted position and a deployed position, as recited in claim 1. The clamping device has only one position, as shown in Figure 3.

Referring now to limitation (2), as disclosed in the instant specification on Page 10, Lines 14-17 and illustrated in Figures 3B and 3D, according to one embodiment "[t]he mounting

portion 14 is generally cylindrical in shape, oriented along a central axis "B." The mounting portion 14 includes a central portion 40 and end portions 36. Circumferential recesses 38 are defined on the mounting portion 14 for engagement with the handle 16 attached to the medical device 12." Swenson et al. do not disclose a mounting portion defining at least one circumferential recess, as recited in claim 1.

Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 1, as amended, is patentable over Swenson et al. and should be allowed. Claims 3, 6, 8-10 and 12 are dependent upon claim 1, and therefore should also be allowed at least as dependent upon an allowable base claim. Reconsideration of claims 1, 3, 6, 8-10 and 12 is respectfully requested.

- Claims 1-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wijsman (U.S. Patent No. 4,440,371). Applicants respectfully traverse the rejection of these claims and respectfully submit that these claims are patentable over Wijsman for the reasons set forth below.

Similar to above, independent claim 1, as amended, recites at least two limitations that are neither disclosed nor suggested by Wijsman, namely:

- (1) "a mounting portion coupled to an end portion of said shaft and configured for mounting said apparatus for movement with respect to the medical device ***between a retracted position and a deployed position***" and
- (2) "mounting portion defines at least one ***circumferential recess*** to facilitate the movement of said apparatus with respect to the medical device."

Referring to limitation (1), Wijsman's pot hanging device neither has a retracted position nor a deployed position and does not have a mounting portion configured for mounting the pot hanger for movement between a retracted position and a deployed position, as recited in claim 1. The pot hanger has only one position, i.e., a hanging position, as shown in Figure 1.

Referring now to limitation (2), Wijsman's carrying members 6 shown in Figure 2 include a slot 9 for accommodating the rim part 3 of the pot 2. Wijsman does not disclose a mounting portion defining at least one circumferential recess, as recited in claim 1.

Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 1, as amended, is patentable over Wijsman and should be allowed. Claims 3-6, 8-10 and

12 are dependent upon claim 1, and therefore should also be allowed at least as dependent upon an allowable base claim. Reconsideration of claims 1, 3-6, 8-10 and 12 is respectfully requested.

- Claims 23 stands rejected under 35 U.S.C. § 102(b) as being anticipated by O'Day (U.S. Patent No. 4,219,177). Applicants respectfully traverse the rejection of this claim and respectfully submit that this claim is patentable over O'Day for the reasons set forth below.

Independent claim 23, as amended, recites at least one limitation that is neither disclosed nor suggested by O'Day, namely:

"said *flexible shaft is configured to twist sufficiently to permit rotation of said hook portion* with respect to said mounting portion about a longitudinal axis of said flexible shaft, thereby *facilitating orientation of said hook portion* of said hanger with respect to the support for positioning the medical device."

No new matter has been added.

As recited in Applicants' specification on Page 11, Lines 5-10 "[t]he shaft 22 has a cross-sectional area smaller than that of the hook portion 28, and is sized to twist or deform or bend sufficiently for rotation of the hook portion 28 between the plane of axis "B" of the mounting portion 14 (the relaxed position of the hanger 10 shown in Figs. 3A - 3B) and a plane substantially perpendicular to axis "B" of the mounting portion 14 (the non-relaxed position of the hanger 10 shown in Figs. 5 and 6)."

O'Day does not disclose or suggest that the reverse bight portion 17 shown in Figures 1-3 is adapted to twist to facilitate orientation of the hook 8. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 23, as amended, is patentable over O'Day and should be allowed. Reconsideration of claim 23 is respectfully requested.

In addition to the above, Applicants respectfully submit that Swenson should not be combined with either O'Day or Chittenden et al. to reject amended claim 23. Swenson's tiny clamping devices are not configured to support a bulky container. In other words, there would be no motivation to combine those references.

- Claims 13-15 and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rhodes (U.S. Patent No. 5,375,799). Applicants respectfully traverse the rejection of these

claims and respectfully submit that these claims are patentable over Rhodes for the reasons set forth below.

Applicants have incorporated the features of objected claim 16 into independent claim 13, thus, claim 13 should be allowable. Claims 14, 15 and 18 are dependent upon claim 13, and therefore should also be allowed at least as dependent upon an allowable base claim. Reconsideration of claims 13-15 and 18 is respectfully requested.

Claim Rejection Under 35 U.S.C. § 103(a):

- Claims 19, 21 and 22 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Chittenden et al. (U.S. Patent No. 3,690,315) in view of Koresko (U.S. Patent 5,224,607). Applicants respectfully traverse the rejection of these claims and respectfully submit that these claims are patentable over Chittenden et al. and Koresko for the reasons set forth below.

Independent claim 19, as amended, recites at least one limitation that is neither disclosed nor suggested by Chittenden et al. or Koresko, namely, "a surface of the medical device limits movement of said hook portions of said hangers in a retracted position of the hangers."

As recited in Applicants' specification on Page 13, Lines 1-9 in connection with one exemplary embodiment of the invention, "[a]s illustrated in Figs. 4A and 4D, slots 52 are defined within the handle 16. More specifically, the slots 52 are defined along a bottom surface of the ornamental elongated groove 54 of the ornamental grasping portion 42. Such slots 52 are configured to accommodate at least a portion of each hook portion 28 when the hangers 10 are in their retracted or stowed positions (illustrated in Fig. 1)." In a retracted position, the hangers are positioned in the slots 52. The edges of the slots 52 limit sideways motion of the hangers.

Chittenden et al. do not disclose a surface of the medical device that limits movement of the hook portions in a retracted position of the hangers. For the sake of argument, if the two hangers 32 are considered to be shown in a retracted position in Figure 1, a surface of the urinary drainage container does not limit movement of a hook portion of the hanger. The hangers 32 merely lie over the body of the urinary drainage container.

Accordingly, because claim 19 includes limitations that are neither disclosed nor suggested by Chittenden et al. or Koresko, alone or in combination, prima facie obviousness cannot be established based on the cited references. Claims 21 and 22 are dependent upon claim 19, and therefore should also be allowed at least as dependent upon an allowable base claim. Reconsideration of claims 19, 21 and 22 is respectfully requested.

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Conclusion

In view of the amendment in the claims and the remarks set forth above, Applicants respectfully submit that this application is now in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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5/17/06 *Joshua L. Cohen*